IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WP(C).No. 28634 of 2006(H)

PETITIONER:

LATHA. E.M., AGED 29 YEARS,
D/O.NARAYANAN NAIR, RESIDING AT ILLATH MEETHAL
HOUSE, POST KAKKUR, NANMINDA, KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:

1. THE JOINT REGISTRAR (GENERAL)
CO-OPERATIVE SOCIETIES, KOZHIKODE.

2. THE KAKKUR VANITHA SAHAKARANA
SANGHAM, REPRESENTED BY ITS SECRETARY,
KAKKUR, KOZHIKODE.

3. SMT.SATHYABHAMA,
MANAGING COMMITTEE MEMBER, KAKKUR VANITHA
SAHAKARANA SANGHAM, KAKKUR, KOZHIKODSE.

4. SMT.VASANTHA, MANAGING COMMITTEE
MEMBER, KAKKUR VANITHA SAHAKARANA SANGHAM,
KAKKUR, KOZHIKODE.

5. SMT.JAMEELA, MANAGING COMMITTEE MEMBER
KAKKUR VANITHA SAHAKARANA SANGHAM,
KAKKUR, KOZHIKODE.

6. SMT.NALINI, MANAGING COMMITTEE MEMBER
KAKKUR VANITHA SAHAKARANA SANGHAM,
KAKKUR, KOZHIKODE.

BY ADV. SRI.Y.M.BALAGOPAL
SRI.P.V.JYOTHI PRASAD
GOVERNMENT PLEADER, SRI.P.K.RAVISANKAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1 TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

EXT.P2 TRUE COPY OF THE RECEIPT ISSUED BY THE BANK

EXT.P3 TRUE COPY OF THE COMPLAINT MADE BY THE PRESIDENT OF THE SOCIETY

EXT.P4 TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT.

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 28634 of 2006 (H)

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Dated this the 6th day of December, 2006

J U D G M E N T

The writ petitioner was one of the Managing Committee members of the second respondent, Kakkur Vanitha Sahakarana Sangham, Kozhikode. She obtained a loan from the Society. It was not repaid, with an interest as demanded, despite the communication to that effect. Therefore, she has been disqualified as per Rule 44(2) of the Co-operative Societies Rules, 1969, by the first respondent, Joint Registrar. The writ petitioner has filed an appeal before the Government, challenging the disqualification. This writ petition is filed challenging Exhibit P4. A stay was granted on 01/01/2006. It continues.

2. I heard the arguments advanced by the learned counsel Mr.V.V.Surendran as well as the learned counsel for respondents 3 to 6. An appeal preferred under Section 83(1(J) of the Kerala Co-operative Societies Act, 1969, is pending before the Government. The counsel for the writ petitioner has raised various contentions, including the filing of complaint made against respondents 3 to 6. However, counsel for respondents 3 to 6

submits that only against the sixth respondent, allegations have been made by the writ petitioner, which are unsustainable. The counsel for the writ petitioner, however, clarifies that it was the President of the Second respondent, who made the complaint against the sixth respondent. Whereas, the writ petitioner had made complaint against respondents 3 to 6.

3. Without entering into any discussions on the merit of the matter and expressing any opinion on the points of facts raised, I dispose of this writ petition, directing the Government, where the appeal preferred by the writ petitioner is pending, to dispose of the same, within two months from the date of production of the copy of the judgment.

4. Till the disposal of the appeal, the stay granted by this Court, dated 01/11/2006, will continue to be operative. However, I make it clear that during the above period of two months, the writ petitioner will not have the right to vote, though, she will continue to have all other rights as a Managing Committee member.

The writ petition is closed as above.

(J.M.JAMES)
Judge

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